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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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GURTA, Y EXAMINER

12M2/0207

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ART UNIT PAPER NUMBER

1202

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DATE MAILED: 02/07/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 11/17/93 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), X days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☒ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

- ☒ Claims 1-26 are pending in the application.
Of the above, claims 4-6, 9-23, 26 are withdrawn from consideration.
- ☐ Claims have been cancelled.
- ☐ Claims are allowed.
- ☒ Claims 1-3, 7, 8, 24 and 25 are rejected.
- ☐ Claims are objected to.
- ☐ Claims are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
- ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

Art Unit 1202

Claims 1-26 are pending in this application.

Applicant's election with traverse of Group I, claims 1-3, 7, 8, 24 and 25 and the election of the species of claim 3, in Paper No. 9, dated 11/17/93 is acknowledged. The traversal is on the ground(s) that under patent office rules, ⁱof search and examination of entire application can be made without serious burden, the examiner is encouraged to examine if on the merits, even though it includes claims to distinct or independent inventions. This is not found persuasive because the claimed compounds are structurally dissimilar and as shown in the previous office action, classified in different classes. They are made independently and used independently, they are (patentably) distinct and independent. The search which is required for one group is not required for the other and hence, is undue burden on the office.

The requirement is still deemed proper and is therefore made FINAL.

Claims 4-6, 9-23 and 26 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

This application has been examined to the extent readable on the elected species, and is expanded to include a genus for all the definitions of R₁, R₂, R₃ and R₄ present as a substituent on 1,2,4-triazine ring.

Art Unit 1202

Claims 1, 2, 7 and 24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In structure I, a single positive charge is shown while each N-atom of triazine is tetravalent and hence, each N-atom should be positively charged therefore, the structure as claimed as incorrect.

When R_1 and R_3 or R_3 and R_4 taken together in structure I, they form a bridge. Does applicants intend that? Or these bridges are defined for structure II, and, thus the claim language is very confusing clarification is required.

The dihydroxy alkyl chain at 6-position is very confusing because at 2'-position of this chain the carbon at this position seems to have a methyl substituent because in the chemical art +OH, the is recognized aza tertiarybutyl-group. A clarification is required.

Claims 3, 8 and 25 are rejected under 35 U.S.C. § 112, fourth paragraph, as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claims 3 and 8 find no antecedent basis in claim 1 for the claimed 1, 2, 4-triazine compound because in claim 1, in structure I, all the three N-atoms have a substituent and hence cannot have the structure of the claimed compound in claim 3, and

Art Unit 1202

in composition of claim 8 because, in these claims, uncharged 1,2,4-triazine is being claimed.

Claim 25, is improperly dependent of claim 41. There are 26 claims present in the instant invention, and, thus claim 25 does not find any antecedent basis.

The title and the abstract of the invention is not descriptive of the subject matter being claimed. A new title and the abstract is required which ^{is} clearly indicative of the invention to which the claims are directed.

Applicants are advised to update the continuing data.

A facsimile center has been established in Group 1200, room 3C10. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier numbers for accessing the facsimile machines are (703) 308-4556 or 305-3592.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Gupta whose telephone number is (703) 308-4708.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.

Mukund J. Shah

MUKUND J. SHAH
ADVISORY PATENT EXAMINER
GROUP 120 - ART UNIT 120

GUPTA:jd
January 31, 1994

YNG